

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOE DON DEMONTINEY,

Defendant.

CR-18-80-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 10, 2021. (Doc. 67.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 6, 2021. (Doc. 65.) The United States accused Demontiney of violating his conditions of supervised release 1) by consuming alcohol on two separate occasions; 2) by possessing heroin; 3) by committing two other crimes; 4) by using amphetamines; and 5) by using methamphetamine on two separate occasions. (Doc. 61.)

At the revocation hearing, Demontiney admitted to violating the conditions of his supervised release 1) by consuming alcohol on two separate occasions; 2) by using amphetamines.; and 3) by using methamphetamine on two separate occasions. Judge Johnston dismissed alleged violations 3, 4 and 6 on the government's motion. (Doc. 65.) Judge Johnston found that the violations Demontiney admitted proved to be serious and warranted revocation, and recommended that Demontiney receive a custodial sentence of 2 months with 34 months of supervised release to follow. (Doc. 67.) Demontiney was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 65.) The violations prove serious and warrant revocation of Demontiney's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 67) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Joe Don Demontiney be sentenced to the custody of

the United States Bureau of Prisons for 2 months, with 34 months of supervised release to follow. Demontiney will receive credit for time served.

DATED this 25th day of May, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court